

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FLAVIO MORENO,

Case No. 3:19-cv-00330-MMD-CLB

v.

Plaintiff,

ORDER

KIM ADAMSON, *et al.*,

Defendants.

Pro se Plaintiff Flavio Moreno brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 45), recommending the Court deny Plaintiff’s motion for preliminary injunction (ECF No. 21 (“Injunction Motion”)). Plaintiff had until February 26, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny the Injunction Motion.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

III

Because there is no objection, the Court need not conduct de novo review, and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends denying the Injunction Motion because: (1) Plaintiff has not shown he will suffer irreparable harm if he does not immediately receive Direct Acting Antiviral (“DAA”) drugs because he only provided out of date treatment notes in support of the Injunction Motion that showed he was receiving some treatment for his Hepatitis C; (2) his request is moot because he is in line to receive DAA treatment under an updated policy; and (3) a consent decree that the Nevada Department of Corrections entered into will additionally ensure Plaintiff will receive DAA treatment. (ECF No. 45 at 5-6.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF No. 45) is accepted and adopted in full.

It is further ordered that Plaintiff's motion for preliminary injunction (ECF No. 21) is denied.

DATED THIS 8th Day of March 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE